

REMARKS/ARGUMENTS

Favorable reexamination and reconsideration of the captioned application is respectfully requested.

Claims 1-4,15-16, 42-45, 50-51, 54-57, 66-68 and 87-89 stand rejected under 35 USC §103(a) as being anticipated by U.S. Patent 6,889,040 to Koo et al in view of U.S. Patent 6,725,056 to Moles et al. All prior art rejections are respectfully traversed for at least the following reasons.

As previously stated, independent claims 1, 42, and 58 specify that the access group eligibility message is generated by a radio access network, but that the access group classification is generated by the core network. In other words, the core network decides to what groups the user equipment unit belongs, and separately the RAN broadcasts which groups can access which cells, with the user equipment unit making a comparison between the two sets of information (comparing access group classification and access group eligibility).

The crux of the office action appears at the top of page 3:

Koo fails to specifically disclose the access group classification having been generated by a core network node which classified the user equipment unit into at least one of plural access groups. However, Moles teaches the access group classification having been generated by a core network node which classified the user equipment unit into at least one of plural access groups (fig. 1-2, 5, abstract, col.2, lines 1-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the access group classification having been generated by a core network node which classified the user equipment unit into at least one of plural access groups as taught by Moles with Koo teaching in order to improved systems and method for performing automatic service provisioning of wireless handsets.

As evident from the quoted/copied portion reprinted on the preceding page of this document, the office action properly concedes that U.S. Patent 6,889,040 to Koo et al fails to disclose the access group classification determined and generated by a core network which classified the user equipment unit into at least one of plural access groups. To remedy the deficiency of Koo with regard to the independent claims, the office action argues that U.S. Patent 6,725,056 to Moles et al teaches access group classification determined and generated by the core network, and that it would be obvious to use the Moles' alleged core network-generated access group classification to improve Koo.

Applicants vigorously disagree with the prior art rejection, including the allegations of the technical content of the references and the propriety of the combination of the references.

U.S. Patent 6,725,056 to Moles et al concerns provisioning of a cell phone. Contrary to the allegations of the office action, provisioning and authenticating of a cell phone is not the same as a core network generating an access group classification by which a user equipment unit is classified into at least one of plural access groups. Provisioning and authentication concern whether a cell phone is able to function at all, i.e., whether the cell phone is activated for service. Access group classification, on the other hand, is information which can be used to determine whether an already activated and functioning user equipment unit is eligible to operate in a cell.

Moles may suggest to Koo that Koo's mobile station be provisioned by Mole's technique (as opposed to other provisioning techniques) as a pre-requisite for the mobile station being able to function at all. But Moles makes no suggestion to Koo that the type of information used by Koo's mobile station (to check version restriction) would be determined by a core network and downloaded to the mobile station. Moreover, it would make no sense for Koo's restriction criteria such as manufacturer code, model

information, and firmware revision – already resident at the mobile station (and logically so!) – be downloaded (much less generated) from/by a core network.

Further, classification into at least one of plural access groups is not just a blanket provisioned or unprovisioned status. Without provisioning, the user equipment unit is prohibited from any substantive communication with the radio access network. Rather, group access classification is information provided by the core network to the user equipment unit which enables the user equipment unit to determine for itself whether the already-functioning and activated user equipment unit is eligible to operate in a particular cell.

In Applicants' independent claims access group classification information is generated by the core network and provided by the core network to the user equipment; access group eligibility is provided "per cell" to the user equipment unit, and the UE itself makes a comparison of the two sets of information for making a decision about which cell it is allowed to enter, without having to further signal the core network. The features of the independent claims are not taught by either U.S. Patent 6,889,040 to Koo et al or U.S. Patent 6,725,056 to Moles et al or a combination thereof. Nor would such combination be proper for reasons mentioned above.

Applicants thank the Examiner for the indicated allowability of claims 5-14, 17-19, 46-49, 52-53, 58-65 and 69-72. As stressed above, however, Applicants verily feel that all pending claims are allowable and that the prior art rejections should be withdrawn. Applicants remain confident of patentability after this, the fourth non-final office action. A formal indication of allowability is earnestly solicited.

HOGAN et al
Serial No. 10/068,001

Atty Dkt: 2380-604
Art Unit: 2684

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
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